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8 Attorney for Plaintiff JACOB CALANNO

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10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 JACOB CALANNO, a California
13 citizen,

14 Plaintiff,

15 vs.

16 TERRA VAC CORPORATION, a
17 California corporation; TERRA-VAC,
18 INC., a corporation, dba TERRA-VAC,
19 P.R.; and DOES 1 through 100,
20 inclusive,

21 Defendants.

22 **CASE NO. 07 CV 2052 BTM POR**

23 **JOINT MOTION FOR ORDER TO SET**
24 **ASIDE DEFAULT**

25 Complaint Filed: October 29, 2007

26 It has been stipulated and agreed upon by and between the parties, through their
27 respective attorneys of record, that the default entered on February 6, 2008 as to
28 defendants TERRA VAC CORPORATION and TERRA-VAC, INC., dba TERRA-VAC,
P.R. be set aside.

In consideration for setting aside the default, defendants TERRA VAC
CORPORATION and TERRA-VAC, INC., dba TERRA-VAC, P.R. have agreed to waive
any right to contest jurisdiction while preserving any right to seek remand if appropriate.

It has been agreed that defendants TERRA VAC CORPORATION and TERRA-
VAC, INC., dba TERRA-VAC, P.R. shall have until March 20, 2008 to answer or
otherwise respond to the complaint.

1 An order effecting this agreement is being submitted in accordance with the
2 Electronic Case Filing Rule 2.f.4. The parties hereby request that the order setting aside
3 the default be entered.

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5 DATED: March 7, 2008

s/Michael H. Crosby
Attorney for Plaintiff JACOB CALANNO
E-mail: mhcrosby@dfghlaw.com

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8 DATED: February 20, 2008

MAXIE RHEINHEIMER STEPHENS &
VREVICH, LLP

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11 s/Barry M. Vrevich
Jillian M. Fairchild
Attorneys for Defendants TERRA VAC
12 CORPORATION and TERRA-VAC, INC.,
dba TERRA-VAC, P.R.
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CERTIFICATION OF AUTHORITY TO SIGN

I, Michael H. Crosby, certify that I have obtained agreement of the attorneys for TERRA-VAC CORPORATION and TERRA-VAC, INC., dba TERRA-VAC P.R. to sign this joint motion electronically on their behalf, and that the content of the motion is acceptable to them. A signed stipulation approving the substance of this motion is on file in my office.

DATED: March 7, 2008

s/Michael H. Crosby
Attorney for Plaintiff JACOB CALANNO
E-mail: mhcrosby@dfghlaw.com